

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THETHESIUS HOSEA MOSLEY,
Plaintiff,
v.
ZEPP, *et al.*,
Defendants.

Case No. 1:23-cv-00421-EPG (PC)

FINDINGS AND RECOMMENDATIONS
THAT THIS CASE PROCEED ONLY ON
PLAINTIFF'S CLAIM THAT DEFENDANT
ZEPP WAS DELIBERATELY
INDIFFERENT TO HIS SERIOUS
MEDICAL NEEDS IN VIOLATION OF
THE EIGHTH AMENDMENT

(ECF Nos. 9, 11)

ORDER TO ASSIGN DISTRICT JUDGE

Plaintiff Thethesius Hosea Mosley is a state prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed his complaint on March 21, 2023, alleging that Defendants were deliberately indifferent to his need for treatment of a knee injury. (ECF No. 1).

On May 17, 2023, the Court screened Plaintiff's complaint and concluded that only Plaintiff's deliberate indifference claim against Defendant Zepp should proceed. (ECF No. 9). The Court explained why the complaint otherwise failed to state any claims and gave Plaintiff thirty days to either file (1) a notice to go forward on his cognizable claims, (2) an amended complaint; or (3) a notice to stand on his complaint and have it reviewed by a district judge. On June 26, 2023, Plaintiff filed a notice stating "that he wishes to proceed only on his deliberate indifference claim against Defendant Zepp." (ECF No. 11) (capitalization omitted).

1 Accordingly, for the reasons set forth in the Court's screening order (ECF No. 9), and
2 because Plaintiff has notified the Court that he wants to proceed on the claim that the Court
3 found should proceed past screening (ECF No. 11), IT IS RECOMMENDED that all claims
4 and Defendants be dismissed, except for Plaintiff's deliberate indifference claim against
5 Defendant Zepp.

6 These findings and recommendations will be submitted to the United States district
7 judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within
8 fourteen (14) days after being served with these findings and recommendations, Plaintiff may
9 file written objections with the Court. The document should be captioned "Objections to
10 Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file
11 objections within the specified time may result in the waiver of rights on appeal. *Wilkerson v.*
12 *Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394
13 (9th Cir. 1991)).

14 Additionally, IT IS ORDERED that the Clerk of Court is directed to assign a district
15 judge to this case.

16
17 IT IS SO ORDERED.

18 Dated: June 27, 2023

19 /s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE